

PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

EDWARD GREEN ET AL.

SERIAL NO: 09/754,083

ATTY DKT NO.: 0487.00007

**ATTN: BOX MISSING PARTS**

FILED: JANUARY 5, 2001

FOR: ETHANOL PRODUCTION

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Responsive to the "Notice To File Missing Parts of Application" mailed February 16, 2001, and having a two-month response period expiring April 16, 2001, Applicants submit herewith (1) a copy of the Notice, and (2) an executed Joint Declaration and Power of Attorney for the above-captioned application. A preliminary amendment is being filed concurrently herewith.

Please charge \$665.00 to cover the filing fee (\$355.00), the late-filing surcharge (\$65) and additional claims fee (\$245) to our Deposit Account No. 19-0733. However, if the calculated fee is not correct, you are authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 19-0733.

Respectfully submitted,

Dated: *16 April 2001*

By:

*Steven P. Schad*  
Steven P. Schad  
Registration No. 32,550

BANNER & WITCOFF, LTD.  
1001 G Street, N.W.  
Eleventh Floor  
Washington, D.C. 20001-4597  
(202) 508-9100  
385930

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.



TOTAL AMOUNT OF PAYMENT		(\$)	665	Attorney Docket No.	0487.00007
-------------------------	--	------	-----	---------------------	------------

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																																																														
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <input type="text" value="19-0733"/></p> <p>Deposit Account Name <input type="text"/></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>65</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>130</td><td>123</td><td>130</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="6">Other fee (specify) _____</td></tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3)</td> <td>(\$ 65)</td> </tr> </tbody> </table>				Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath	65	127	50	227	25	Surcharge - late provisional filing fee or cover sheet.		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	390	216	195	Extension for reply within second month		117	890	217	445	Extension for reply within third month		118	1,390	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,240	241	620	Petition to revive - unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	130	123	130	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify) _____						*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)		(\$ 65)
Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																													
105	130	205	65	Surcharge - late filing fee or oath	65																																																																																																																																																																																													
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																																																														
139	130	139	130	Non-English specification																																																																																																																																																																																														
147	2,520	147	2,520	For filing a request for reexamination																																																																																																																																																																																														
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																														
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																														
115	110	215	55	Extension for reply within first month																																																																																																																																																																																														
116	390	216	195	Extension for reply within second month																																																																																																																																																																																														
117	890	217	445	Extension for reply within third month																																																																																																																																																																																														
118	1,390	218	695	Extension for reply within fourth month																																																																																																																																																																																														
128	1,890	228	945	Extension for reply within fifth month																																																																																																																																																																																														
119	310	219	155	Notice of Appeal																																																																																																																																																																																														
120	310	220	155	Filing a brief in support of an appeal																																																																																																																																																																																														
121	270	221	135	Request for oral hearing																																																																																																																																																																																														
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																														
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																														
141	1,240	241	620	Petition to revive - unintentional																																																																																																																																																																																														
142	1,240	242	620	Utility issue fee (or reissue)																																																																																																																																																																																														
143	440	243	220	Design issue fee																																																																																																																																																																																														
144	600	244	300	Plant issue fee																																																																																																																																																																																														
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																														
123	130	123	130	Petitions related to provisional applications																																																																																																																																																																																														
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																																														
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																														
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																														
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																														
179	710	279	355	Request for Continued Examination (RCE)																																																																																																																																																																																														
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																														
Other fee (specify) _____																																																																																																																																																																																																		
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)		(\$ 65)																																																																																																																																																																																												
**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																																																		

SUBMITTED BY					
Name (Print/Type)	STEVEN P. SCHAD	Registration No. Attorney/Agent)	32,550	Telephone	202 508-9195
Signature				Date	16 April 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

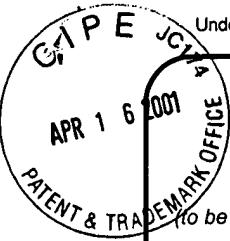
Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (08-00)

Sector  
#3 \$



## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/754,083
Filing Date	January 5, 2001
First Named Inventor	Edward GREEN
Group Art Unit	tbd
Examiner Name	tbd

Attorney Docket Number 0487.00007

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

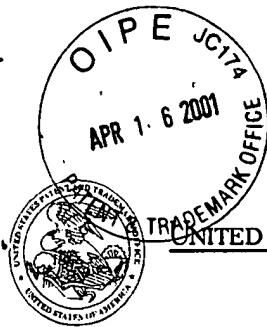
Firm or Individual name	STEVEN P. SCHAD
Signature	
Date	16 April 2001

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name	
Signature	
	Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/754,083	01/05/2001	Edward Green	00487.00007

22907  
BANNER & WITCOFF  
1001 G STREET N W  
SUITE 1100  
WASHINGTON, DC 20001

04/17/2001 TGEDAMU1 00000089 190743  
01 FC:201 355.00 CH  
02 FC:202 240.00 CH  
03 FC:203 63.00 CH  
04 FC:204 135.00 CH  
05 FC:205 65.00 CH

## FORMALITIES LETTER



09754083

Date Mailed: 02/16/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$876.
  - \$126 for 7 total claims over 20.
  - \$480 for 6 independent claims over 3.
  - \$270 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

Adjustment date: 04/25/2001 CCHAU1  
04/17/2001 TGEDAMU1 00000089 190743 09754083  
02 FC:202 240.00 CR  
03 FC:203 63.00 CR  
04 FC:204 135.00 CR

- The balance due by applicant is \$ 1716.

*A copy of this notice MUST be returned with the reply.*

*Amstelak*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

04/25/2001 CCHAU1 00000010 190733 09754083  
01 FC:203 45.00 CH  
02 FC:202 200.00 CH